

REMARKS

Claims 1-15 are pending in the application. Claims 1-15 have been canceled and claims 16-28 have been added, leaving claims 16-28 for consideration upon entry of the present Amendment. Applicants request reconsideration in view of the following remarks and amendment.

Claims 1 and 15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 15 have been canceled, rendering this rejection moot.

Claims 1-5, 10-12 and 14-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitano et al (US 6,085,256) ("Kitano") in view of Wong et al (US 5,913,203) ("Wong"). Claims 6-9 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitano in view of Wong and further in view of Martinez et al. (US 6,119,229) ("Martinez"). For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 1-15 have been canceled and replaced with claims 16-28.

Claims 16-27 include the following limitations: "a virtual-currency creating section to create virtual currency serving as cash being effective in said virtual space, so as to distribute said virtual-currency among said subjects; a virtual-currency storing section to store said virtual currency created by said virtual-currency creating section." Claim 28 includes the following limitations: creating virtual currency serving as cash being effective in said virtual space, so as to distribute said virtual-currency among said subjects; storing said virtual currency, created in said creating step of said virtual currency, in a virtual currency storing section. As recognized by the Examiner, Kitano does not disclose the virtual-currency storing section and the value-

information storing section. Wong also does not teach or suggest those limitations.

The system disclosed by Wong is directed to electronic money/Internet payment system, and specifically relates to a procedure and method in which customers and vendors can buy and sell merchandise and information on the Internet. See Wong, column 3, lines 40-51. Thus, the "pseudo cash" is merely a kind of real-life case, only usable for buying and selling merchandise and information in the real world through the Internet. Transactions through the Internet are normal economical activities in the real world and nothing to do with those in the virtual space activated on the network. In contrast, the virtual currency in the present invention can be created and exchanged in the virtual space activated on the network. Accordingly, the "pseudo cash" cannot be the virtual currency defined in the present invention.

In addition, claims 16-27 include the following additional limitations: "a value-information storing section to store a value information set serving as a buying and selling object, which can be traded within said virtual space by exchanging said virtual currency between said subjects; wherein said value information set is provided in said virtual space as needed, or is created or modified by a subject, being one of said subjects, as a result of activities of said subject in said virtual space; and wherein said virtual currency, owned by said subject as a result of economical activities in said virtual space, can be converted to real currency being effective in a real world." Claim 28 includes the following limitations: "storing a value information set serving as a buying and selling object, which can be traded within said virtual space by exchanging said virtual currency between said subjects, in a value-information storing section; wherein said value information set is provided in said virtual space as needed, or is created or modified by a subject, being one of said subjects, as a result of activities of said subject in said virtual space; and wherein said virtual currency, owned by said subject as a result of economical activities in said virtual space, can be converted to real currency being effective in a real world." Those additional limitations require a virtual information set, which is provided in the virtual space as needed and traded as a result of activities of the subject in the virtual space. Those limitations are not disclosed, taught or suggested by any of the references.

Moreover, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.

Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); MPEP § 2143.01.

There is no teaching in the cited art to combine the references in an attempt to produce the claimed invention.

In particular, Kitano cannot be modified to produce the claimed invention. The virtual reality space disclosed by Kitano is only oriented to such an environment as "nothing but a game and holds substantially no connection with real life." See column 2, lines 15-17. While Kitano tries to make the virtual reality as real as possible, Kitano is still only focused on a game. Thus, Kitano has no connection to real economic activities to be performed by the participants in the virtual reality space. Accordingly, one skilled in the art would not have been motivated to combine Kitano with any other reference that would be usable in real life and in particular, associated with real economic activities.


Thus, claims 16-28 are patentable over the Kitano, Wong, and Martinez. Applicants respectfully request that claims 16-28 be allowed.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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